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OCA 3012-88

09 SEP 1988

Mr. James C. Murr  
Assistant Director for Legislative Reference  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Murr:

This is in response to the request of the Office of Management and Budget for our views on the letter of the Department of Justice on H.R. 4387, the Intelligence Authorization Act, Fiscal Year 1989, as reported out of conference by the Senate Select Committee on Intelligence.

As the Department's letter indicates, the Committee was made aware of the Department's concerns regarding the Inspector General. Representatives of this Office met with representatives from the Department and the White House in June to discuss the Department's concerns. Pursuant to that meeting, we did raise the concerns with the Committee on at least two occasions.

During our discussions, the Committee staff made no promises, but we were given to understand the Committee would be amenable to making minor changes to render the provision palatable and that the matter could be resolved in conference. However, in August, the conferees filed their report apparently without having taken the problem into account.


Although the Committee was aware of the Department's concerns, it was our expectation the Department would have the opportunity to raise them again formally in a letter to the conferees. The entire Executive Branch was effectively deprived of that opportunity, however, when the conferees filed their report within days after the Senate passed the bill.

As we explained to the Department and to the White House in June, the process by which the provision was written and agreed to was an arduous one. The Director of Central Intelligence himself testified on this matter and concurred in the procedure established by this provision. It is important to note that the compromise protected two very important authorities for the DCI. First, the DCI appoints his own Inspector General; and second, the DCI, rather than the Inspector General, does the reporting to Congress.

To ask the chairman of the Intelligence Committee to agree to amendments to a bill which has been reported out of conference and to threaten a veto of the measure if amendments are not accepted will certainly eradicate the compromises both sides have reached. There would undoubtedly be an effort on the Senate floor to amend the bill to place the Agency under the purview of the more severe requirements of the Inspector General Act of 1978. This result would raise more serious practical and constitutional problems than the compromise now included in H.R. 4387.

In summary, we fully recognize and are sympathetic to the Department's wish to have its views formally placed on the record. I hope there is some way to do this with the Congress without threatening a veto, an action which I believe might well make matters still worse.

Sincerely,

  
John L. Helgerson  
Director of Congressional Affairs

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SUBJECT: Ltr to James C. Murr explaining our views on the  
DOJ report on the IG provision in the FY89  
Intelligence Authorization bill.

D/OCA/JLH/JCG/RMH/bsb:  9 Sep 88

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